THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.3540 of 1996

22.11.2006

Between

B.S.S.V. Laxminarayana, S/o.B.Venkata Rao

… Petitioner

AND

The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

This writ petition is filed challenging the proceedings of the third respondent dated 01.7.1995 wherein respondents 5 and 6 herein, were provided/allotted house plots in survey No.119 of Pedawaltair Ward in Visakhapatnam. The fifth respondent was allotted 403 Sq.yards and sixth respondent was allotted 397 Sq.yards of land. The petitioners seek a writ of Mandamus declaring the impugned proceedings as illegal and arbitrary. They also seek a further direction to the respondents not to interfere with land admeasuring 166 Sq.yards in survey No.119, Block-15 of Pedawaltair Ward, in possession of the petitioners.

The case of the petitioners is as follows. The land admeasuring 141 Sq.yards, out of total extent of Ac.1.03, in survey No.119 of Pedawaltair was owned by Neelapu Venkata Reddy and Neelapu Appaladas Reddy. They executed a registered gift deed document No.740/72 in favour of Gudla Mangamma. She in turn executed gift deed dated 19.6.1991 bearing document No.3390/91 in favour of her daughter, Emmidisetty Anjanadevi. Anjanadevi allegedly obtained permission from the Municipal Corporation of Visakhapatnam for construction of building. The petitioners purchased the said extent of land under registered sale deed dated 23.5.1994 for a consideration of Rs.98,700/-. They also purchased another extent of 25 Sq.yards in the same survey number under another registered sale deed dated 07.121994 from Polisetty Kameshwara Rao and obtained possession. The Mandal Revenue Officer (MRO), Pedawaltair Ward, visited the petitioners' premises and informed the petitioners that the land is Government land. When the petitioner approached the fourth respondent for further information, she came to know about the orders passed by the third respondent on 01.7.1995 allotting the land to respondents 5 and 6, who are outstanding sportswomen in weightlifting. Therefore, assailing the same, the present writ petition is filed.

The fourth respondent has filed a detailed counter affidavit. The

allegation that Neelapu Venkata Reddy and Neelapu Appaladas Reddy are owners of the land is denied. It is further stated that these two persons claimed ryotwari patta from the Settlement Officer under A.P. (Andhra Area) Abolition of Estates and Conversion into Ryotwari Act, 1948 (the Estates Abolition Act, for brevity). The Settlement Officer, Visakhapatnam, rejected the claim on 11.1.1982. Similarly the claim of Polisetty family for a patta under Section 11(a) of the Estates Abolition Act was also rejected on 13.3.1985. All the unsuccessful claimants filed appeal before the Director of Settlements, which was dismissed on 11.11.1994 and the claimants' further revision to the Chief Commissioner of Land Revenue (CCLR) was allowed by orders in proceedings No.P1/132/95, dated 22.6.2004, remanding the matter to the Settlements Officer (Joint Collector) to conduct *de novo* enquiry. The enquiry is pending and, therefore, the petitioners have no title to the property. It is further stated that with a view to facilitate National Women Weightlifters, the third respondent issued proceedings allotting land to respondents 5 and 6 duly in conformity with the Rules. The petitioners have approached this Court without availing the remedy of appeal before the CCLR.

Learned Counsel for the petitioner submits that the petitioners are owners having purchased the land under two sale deeds and, therefore, third respondent could not have allotted/assigned lands to respondents 5 and 6. He placed reliance on the gift deed executed by Gudlapalli Mangamma in favour of her daughter and the sale deed executed by the latter in favour of the petitioners. He however does not dispute the counter averments, which refers to the proceedings under the Estates Abolition Act. **Per contra**, learned Assistant Government Pleader for Revenue (Assignment) submits that the two persons who gifted the property to Mangamma themselves had no title and, therefore, in law no title passed to the daughter of Mangamma to execute sale deeds in favour of the petitioners. He points out that Neelapu Venkata Reddy and Neelapu Appaladas Reddy along with others filed claim petitions under Section 11(a) of the Estates Abolition Act, which were rejected. After remand by the CCLR, a fresh enquiry into these claims for ryotwari patta is pending and in the absence of any denial, the petitioners cannot claim any title.

The MRO filed counter affidavit before this Court on 06.12.2005. The petitioners have not chosen to file reply affidavit denying counter averments. Therefore, all the counter averments stand admitted. Along with the counter affidavit, the written statement filed by the MRO, Visakhapatnam (Urban), before the Joint Collector-cum-Settlement

Officer, is also annexed, which would certainly show that till now Venkata Reddy and Appaladas Reddy did not get any ryotwari patta. Therefore, it goes without saying, the land in survey No.119 including the land, which is claimed by the petitioners, is Government land and if the Government assigns the land to respondents under "Outstanding Sportswoman" category, the same cannot be faulted especially when there are no *mala fides* attributed to the respondents.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

November 22, 2006.

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